

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
NORTHERN DIVISION**

**UNITED STATES SECURITIES
AND EXCHANGE COMMISSION**

Plaintiff,

v.

WILLIAM F. MAHON, ET. AL.

Defendants.

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: CIVIL ACTION
: FILE NO. S 00 CV 2918
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: Judge William D. Quarles
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**MOTION TO STAY DISPOSITIVE MOTIONS DEADLINE OR IN THE
ALTERNATIVE TO EXTEND DEADLINE BY 60 DAYS**

Plaintiff, United States Securities and Exchange Commission (SEC), through its counsel and pursuant to Fed. R. Civ. P. 7(b), respectfully moves the Court to stay the motions deadlines contained in the current scheduling order pending the addition of the proposed relief defendants to this action, as outlined in the SEC's *Motion for Leave to File First Amended Complaint and to Shorten Time for Filing of Answers by the Proposed Relief Defendants*, filed simultaneously with this motion. Alternatively, the SEC requests this court extend by 60 days the current dispositive motions deadline. In support of this motion, the SEC states the following:

1. On April 27, 2004, this Court granted the SEC's Consent Motion to Extend Discovery and Motions Deadlines, extending the discovery deadline to May 31, 2004 and the motions deadline to June 30, 2004.
2. During discovery, the SEC attempted to serve Jupiter and his wife with subpoenas at their last known address in Florida. The process server who attempted service on the Jupiters

reported to the SEC that the Jupiters no longer lived at the address, and that the new owners of the property believed that the Jupiters had moved to the Bahamas.

3. Also during discovery, the SEC took the depositions of Jupiter's accountant and his adult children, who are believed to be beneficiaries of various trusts to which Jupiter appears to have transferred his remaining assets, ostensibly to avoid collection of any judgments this court may issue. Based on the information gathered during discovery, and given Jupiter's apparent relocation, the SEC believes it is necessary to amend the original complaint to add as relief defendants some of the beneficiaries of Jupiter's trusts and to seek repatriation of his assets.

4. Simultaneous with the filing of this motion, the SEC has filed a *Motion For Leave to File First Amended Complaint and to Shorten Time for Filing of Answers by the Proposed Relief Defendants* seeking to name as relief defendants Jupiter's wife and her minor children, as well as Jupiter's adult children, who are beneficiaries of Jupiter's trusts. Should the court grant that Motion, then, after service and the filing of responsive pleadings by proposed relief defendants, if any, then the SEC expects to file a dispositive motion seeking entry of money judgments, disgorgement orders, and repatriation orders against Jupiter and the proposed relief defendants. Jupiter already has consented to entry of a permanent injunction. Given the uncertainty of service and the proposed relief defendants' responses, it would appear the most efficient course is for this court to stay the dispositive motions deadline. Upon service of the proposed relief defendants and filing of any responsive pleadings by them (or expiration of the deadline for such), the SEC will file a notice with the court, at which time a new dispositive motions deadline can be set.

5. Alternatively, if this Court does not grant the SEC's request to amend its complaint and the corresponding request to stay the dispositive motions deadline, then the SEC requests that this court extend the current dispositive motions deadline by 60 days.

6. Below signed Counsel attempted to contact counsel for Jupiter on the date of filing of this motion to ask for his consent to the relief requested, however, he was out of town.

WHEREFORE, for the foregoing reasons, the SEC requests that the Court grant its Motion.

Respectfully submitted,
For Plaintiff Securities and Exchange Commission

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CERTIFICATE OF SERVICE

I, Carolann Gemski, hereby certify that on June 30, 2004, a copy of the foregoing Motion was filed electronically. Notice of this filing will be sent electronically to Allan M. Lerner, counsel for Defendant Dean J. Jupiter by operation of the Court's electronic filing system. Parties and interested persons may access this filing through the Court's system.